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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NYLES LAWAYNE WATSON,  
Petitioner,  
v.  
J. PRICE,  
Respondent.

No. 2:14-cv-2929 MCE GGH P

ORDER

Petitioner, a state prisoner proceeding pro se, is proceeding with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 18, 2015, petitioner filed a motion entitled “motion to move United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider the application pursuant to: 28 U.S.C. 2244(b)(3) For relief from judgment under Federal Rules of Court Civil Procedure 60(b)(2), (5).” On March 4, 2015, this action was dismissed and judgment was entered.

Although petitioner’s motion was premature at the time it was filed, it may now be considered. It appears from the face page of this motion that petitioner intended this filing for the Ninth Circuit Court of Appeals, and sent it there for filing, as it was received by that court on February 18, 2015, while the current action was still pending. Now that judgment has been entered, and pursuant to 28 U.S.C. § 2244(b)(3), petitioner’s motion for permission to file a second or successive application may be considered by the Court of Appeals.

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Accordingly, IT IS ORDERED that: The Clerk of the Court is directed to transfer petitioner's motion for authorization pursuant to 28 U.S.C. § 2244(b)(3), filed February 18, 2015, (ECF No. 9), to the United States Court of Appeals for the Ninth Circuit.

Dated: March 9, 2015

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Wats2929.2244(b)(3)